

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 4, 1998

DIVISION ONE

B119032 People
v.
James H.

Filed order denying petition for rehearing.

B109425 People
v.
Pia, et al.

Filed order denying petition for rehearing. (Appellant Pia)

B124636 Kotkin & Toch (Not for Publication)
v.
Superior Court, Los Angeles County

The Court:

Therefore, let a peremptory writ issue, commanding respondent superior court to vacate its order of July 24, 1998, to modify its order granting the motion for summary adjudication to compliance with our opinion, in Los Angeles Superior Court case No. BC028762, entitled Kotkin & Toch v. Greater El Monte Community Hospital, Inc. In all other respects, the petition is denied. All parties shall bear own costs.

Ortega, Acting P.J., Vogel (Miriam A.), J., Masterson, J.

DIVISION TWO

B119313 Peters
v.
Firemen's Insurance Company of Newark, New Jersey

Filed order certifying opinion for publication.

DIVISION THREE

B119866 Casa Optima, etc., et al. (Not for Publication)
vs.
Concord Capital Group, etc., et al.

The judgment is affirmed. Defendants are awarded their costs on appeal. Defendants also have requested and are entitled to recover their attorney fees on appeal; that matter is remanded to the trial court for determination of the amount of such fees.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B117244 Robert G. Lee (Not for Publication)
vs.
Great Western Bank

The judgment is affirmed. Defendant shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (Continued)

B112337 People (Not for Publication)
v.
Carroll

The judgment is modified by staying execution of sentence on appellant's conviction for second degree robbery (count two) pending completion of his sentence on his conviction for carjacking (count one), such stay then to become permanent, and, as modified, is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B117994 People v. Orantes (Not for Publication)

The judgment is modified by staying execution of sentence on appellant's conviction for felonious assault (count two) pending completion of his sentence on his conviction for corporal injury to a child's parent (count one), such stay then to become permanent, and, as modified, is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and Zaida G. Herandez, Deputy Clerk.

Each of the following:

B119071 People v. Frederick Villela
B121080 People v. Harold Cook
B121148 People v. Jason B.

DIVISION FIVE (Continued)

Each of the following: (cont.)

B119555 People v. Veronica Allen
B121518 DCFS v. Anna B.
B118980 People v. Crosby

Argument waived, cause submitted.

B121794 John Calvin Bryant
 v.
 Bobbie John Marshall, etc.

Merits:
Argued by William J. Cleary, Jr. for appellant and by Robert L. Kern for respondent. Cause submitted.

B116535 Tig Insurance Company, et al.
 v.
 Jonathan Lange, et al.

Merits:
Argued by John A. Taylor Jr. for appellants and by L. Kimberly Pepper for respondents. Cause submitted.

Court recessed.

The Court reconvened at 10:00 a.m.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B124903 Linda B., v. S.C.L.A. (DCFS)
B112464 Guy v. Colbert
B125650 Marlene R., v. S.C.L.A. (DCFS)

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B092027 David Cammack
 v.
 GTE Corporation, et al.

Merits:

Argued by John A. Ferrone for appellant and by Mark F. Sullivan for respondents. Cause submitted.

Court recessed.

The Court reconvened at 11:00 a.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B120608 People v. Thompson
B119194 People v. James Pierce
B117589 People v. Montell Garrett
B117969 People v. Alexander Nunez
B115127 People v. Darryl Young
B123184 People v. Jaime V.
B120715 People v. Jose Vargas
B120343 DCFS v. Glenda W.
B120825 DCFS v. Myron C.
B120829 DCFS v. Thomas O.

Argument waived, cause submitted.

B117535 The People
 v.
 Charles Lee Simpson

Merits:

Argued by Gregory R. Ellis for appellant and by Erika D. Jackson, Deputy Attorney General, for respondent. Cause submitted.

DIVISION FIVE (Continued)

B119327 The People
 v.
 Jae Oak Ha

Merits:

Argued by Seymour I. Amster for appellant and no appearance for respondent. Cause submitted.

Court recessed.

The Court reconvened at 1:00 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

B118714 Lueker v. Bues

Argument waived, cause submitted.

B120650 Donald Wager
 v.
 Samuel Mirzayance

Merits:

Argued by Andrew Ellis for appellant and by Eric James Lund for respondent. Cause submitted.

B113099 Paul Bynum
 v.
 Wells Fargo Bank

Merits:

Argued by Barry Novack for appellant and by Roy G. Weatherup for respondent. Cause submitted.

DIVISION FIVE (Continued)

B118935 Bankers Trust Company of California
v.
Barbara S. Glander

Merits:
Argued by Peter M. Hebert for appellant and by James A. Kohn for respondent. Cause submitted.

B116560 Rose Kabbe
v.
Friedrich K. Kabbe

Merits:
Argued by Rose Kabbe, appellant in propria persona and by Jill Greenspahn for respondent. Cause submitted.

B109484 Timothy Michael Doheny
v.
Donald Wayne Holloway

Merits:
Argued by Mitchell C. Tilner for appellant and by Jay R. Ziegler and Denise Brogna for respondents. Cause submitted.

Court adjourned.

DIVISION SIX

B114742 McCoy (Not for Publication)
v.
McCoy

The judgment (order) is reversed for further proceedings consistent with this opinion. Costs are awarded to appellant.

Gilbert, J.

We concur: Stone, P.J.
Coffee, J.

November 4, 1998-Continued

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
Coffee, J.

B120314 Duggan (Not for Publication)
v.
Rode

The judgment (order granting motion to disqualify counsel) is affirmed. Duggan is awarded costs on appeal.

Yegan, J.

We concur: Stone, P.J.
 Coffee, J.

B122664 People (Not for Publication)
v.
McKee

The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

November 4, 1998-Continued

DIVISION SIX (Continued)

B115100 Effler (Not for Publication)
v.
American Home Products Corp.

The judgment is affirmed. Costs to respondent.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

B120349 Washington International Insurance Company (Not for Publication)
vs.
Fire Electric, Inc.

The judgment is affirmed. Costs are awarded to respondent.

Burke, J. (Assigned)

We concur: Stone, P.J.
 Gilbert, J.

DIVISION SEVEN

B103999 People
v.
Sistrunk and Cosby

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B115542 People
v.
Williams

Filed order denying petition for rehearing.